

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

DARYL ARTHUR WITMER, )  
                            )  
Plaintiff,              )  
                            )  
v.                         ) Case No. CIV-08-1106-D  
                            )  
SHANE WYATT, Warden, *et al.*, )  
                            )  
Defendants.             )

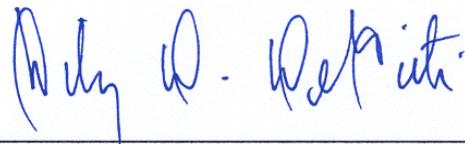
**ORDER OF DISMISSAL**

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo pursuant to 28 U.S.C. § 636(b)(1). Judge Argo recommends dismissal of the action without prejudice on motion of the Plaintiff pursuant to Fed. R. Civ. P. 41(a)(2), despite Defendants' objection. No party has filed a timely objection to the Report nor requested additional time to object.

The Court finds that further review of the Report and Recommendation is waived. For this reason, and because Judge Argo's analysis is correct, the Court concurs in the recommendation.

IT IS THEREFORE ORDERED that the Court adopts the Report and Recommendation [Doc. No. 65] in its entirety and grants Plaintiff's Motion for Voluntary Dismissal [Doc. No. 62]. The case is DISMISSED without prejudice to refiling.

Entered this 8<sup>th</sup> day of September, 2009.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE